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DRAFT RULES OF PROCEDURE OF THE LEGAL AND TECHNICAL COMMISSION

Proposed by the Legal and Technical Commission

Introductory note

1. On 28 July 1994, the General Assembly of the United Nations adopted the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (hereinafter referred to as "the Agreement"). The Agreement has been provisionally applied since 16 November 1994 and entered into force on 28 July 1996.

2. According to the Agreement, its provisions and Part XI of the Convention are to be interpreted and applied together as a single instrument; the present rules and references in the rules to the Convention are to be interpreted and applied accordingly.

3. The Legal and Technical Commission, established under article 163 of the 1982 United Nations Convention on the Law of the Sea and relevant provisions of section 3 of the annex to the Agreement, shall function in accordance with article 165 of the Convention, paragraph 7 of section 6 of the annex to the Agreement, relevant provisions of the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area, and the present Rules of Procedure.

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I. SESSIONS

Rule 1

Frequency of sessions

The Legal and Technical Commission (hereinafter referred to as "the Commission") shall meet as often as required for the efficient exercise of its functions, taking into account the requirement of cost-effectiveness.

Rule 2

Place of sessions

The Commission shall normally meet at the seat of the Authority. Whenever circumstances warrant or the business of the Commission so requires, the Commission may, in consultation with the Secretary-General, and taking into account section 1, paragraph 2, of the annex to the Agreement, decide to meet elsewhere.

Rule 3

Convening of sessions

Taking into account the provisions of rule 1, the Commission shall be convened at the request of:

(a) The Council;

(b) A majority of the members of the Commission;

(c) The Chairman of the Commission; or

(d) The Secretary-General.

Rule 4

Notification of the members

The Secretary-General shall notify the members of the Commission and the members of the Authority as early as possible of the date and duration of each meeting.

Rule 5

Temporary adjournment of session

The Commission may decide to adjourn any session temporarily and resume it at a later date.

Rule 6

Private and public meetings

The meetings of the Commission shall be held in private unless the Commission decides otherwise.

II. AGENDA

Rule 7

Communication of the provisional agenda

The provisional agenda for each session of the Commission shall be drawn up by the Secretary-General and communicated to the members of the Commission and the members of the Authority as early as possible but at least thirty days before the opening of the session. Any subsequent change in or addition to the provisional agenda shall be brought to the notice of the members of the Commission and to the members of the Authority sufficiently in advance of the session.

Rule 8

Drawing up of the provisional agenda

The provisional agenda of each session shall consist of:

(a) All items proposed by the Council;

(b) All items proposed by the Commission;

(c) All items proposed by the Chairman of the Commission;

(d) All items proposed by any member of the Commission;

(e) All items proposed by the Secretary-General.

Rule 9

Adoption of the agenda

At the beginning of each session, the Commission shall adopt its agenda for the session, on the basis of the provisional agenda. The Commission may, if necessary, amend the agenda at any time during a session.

III. ELECTIONS AND FUNCTIONS

Rule 10

Elections

The members of the Commission shall be elected by the Council in accordance with the Convention and the rules of procedure of the Council.

Rule 11

Financial interest

Members of the Commission shall have no financial interest in any activity relating to exploration and exploitation in the Area.

Rule 12

Confidentiality

Subject to their responsibilities to the Commission, members of the Commission shall not disclose, even after the termination of their functions, any industrial secret, proprietary data which are transferred to the Authority in accordance with annex III, article 14, of the Convention or any other confidential information coming to their knowledge by reason of their duties for the Authority.

Rule 13

Exercise of functions

The Commission shall exercise its functions in accordance with these Rules and such guidelines as it may adopt from time to time.

Rule 14

Consultations

In the exercise of its functions, the Commission may, where appropriate, consult another commission, any competent organ of the United Nations or of its specialized agencies or any international organizations with competence in the subject matter of such consultation.

IV. OFFICERS

Rule 15

Election and term of Chairman

1. Each year at the first session, the Commission shall elect a Chairman and a Vice-Chairman from among its members.

2. The Chairman and the Vice-Chairman shall be elected for a term of one year. They shall be eligible for re-election.

Rule 16

Acting Chairman

In the absence of the Chairman, the Vice-Chairman shall take his place. If the Chairman ceases to hold office pursuant to rule 17, the Vice-Chairman shall take his place until the election of a new Chairman.

Rule 17

Replacement of the Chairman

If the Chairman ceases to be able to carry out his functions or ceases to be a member of the Commission, a new Chairman shall be elected for the remainder of the term.

Rule 18

Functions of the Chairman

The Chairman shall preside over the meetings of the Commission and, under the authority of the Commission, shall represent it in its capacity as an organ of the Council.

Rule 19

Exercise of the Chairman's functions

The Chairman, in the exercise of his functions, remains under the authority of the Commission.

V. SECRETARIAT

Rule 20

Duties of the Secretary-General

1. The Secretary-General shall act in that capacity in all meetings of the Commission. He may designate a member of the Secretariat to act as his representative. He shall perform such other functions as are assigned to him by the Commission.

2. The Secretary-General shall provide and direct the staff required by the Commission, taking into account to the greatest extent possible the requirements of economy and efficiency, and be responsible for all the arrangements that may be necessary for its meetings.

3. The Secretary-General shall keep the members of the Commission informed of any matter which is dealt with by other organs of the Authority and which may be of interest to the Commission.

4. The Secretary-General shall provide to the Commission, at its request, reports on questions specified by the Commission.

Rule 21

Duties of the Secretariat

The Secretariat shall receive, translate, reproduce and distribute recommendations, reports and other documents of the Commission; interpret speeches made at the meeting; prepare and circulate, if so decided by the Commission in accordance with rule 22, the records of the session; have custody and proper preservation of the documents in the archives of the Commission; and, generally, perform all other work which the Commission may require.

Rule 22

Records and sound recordings of meetings

1. The Commission may decide to keep summary records of its meetings; but all decisions taken by the Commission shall be duly included in the published records of the Commission. As a general rule, they shall be circulated as soon as possible to all members of the Commission, who shall inform the Secretariat

within five working days after the circulation of the summary record of any changes they wish to have made.

2. The Secretariat shall make and retain sound recordings of the meetings of the Commission when it so decides.

VI. CONDUCT OF BUSINESS

Rule 23

Quorum

A majority of the members of the Commission shall constitute a quorum.

Rule 24

Powers of the Chairman

In addition to exercising the powers conferred upon him elsewhere in these Rules, the Chairman shall declare the opening and closing of each meeting of the Commission, direct the discussions, ensure observance of these Rules, accord the right to speak, put questions to the vote and announce decisions. He shall rule on points of order and, subject to these Rules, shall have complete control of the proceedings of the Commission and over the maintenance of order at its meetings. The Chairman may, in the course of the discussion of an item, propose to the Commission the limitation of time to be allowed to speakers, the limitation of the number of times each member may speak on any question, the closure of the list of speakers or the closure of the debate. He may also propose the suspension or the adjournment of the meeting or of the debate on the question under discussion.

Rule 25

Speeches

No member may address the Commission without having previously obtained the permission of the Chairman. The Chairman shall call upon speakers in the order in which they signify their desire to speak. The Chairman may call a speaker to order if his remarks are not relevant to the subject under discussion.

Rule 26

Statements by the Secretariat

The Secretary-General, or a member of the Secretariat designated by him as his representative, may at any time make either oral or written statements to the Commission concerning any questions under consideration by it.

Rule 27

Points of order

During the discussion of any matter, a member may rise to a point of order, and the point of order shall be immediately decided by the Chairman in accordance with the rules of procedure. A member may appeal against the ruling of the Chairman. The appeal shall be immediately put to the vote, and the Chairman's ruling shall stand unless overruled by a majority of the members present and voting. A member rising to a point of order may not speak on the substance of the matter under discussion.

Rule 28

Time limit on speeches

The Commission may limit the time to be allowed to each speaker and the number of times each member may speak on any question. Before a decision is taken, two members may speak in favour of, and two against, a proposal to set such limits. When the debate is limited and a member exceeds his allocated time, the Chairman shall call him to order without delay.

Rule 29

Closing of list of speakers

During the course of a debate, the Chairman may announce the list of speakers and, with the consent of the Commission, declare the list closed. The Chairman may, however, accord the right of reply to any member if a speech delivered after he has declared the list closed makes this desirable.

Rule 30

Adjournment of debate

During the discussion of any matter, a member may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two members may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote. The Chairman may limit the time to be allowed to speakers under this rule.

Rule 31

Closure of debate

A member may at any time move the closure of the debate on the question under discussion, whether or not any other member has signified his wish to speak. Permission to speak on the motion shall be accorded only to two members

opposing the closure, after which the motion shall be immediately put to the vote. If the Commission is in favour of the closure, the Chairman shall declare the closure of the debate. The Chairman may limit the time to be allowed to members under this rule.

Rule 32

Suspension or adjournment of the meeting

During the discussion of any matter, a member may move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to the vote. The Chairman may limit the time to be allowed to the speaker moving the suspension or adjournment of the meeting.

Rule 33

Order of procedural motions

Subject to rule 27, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the item under discussion;

(d) To close the debate on the item under discussion.

Rule 34

Proposals and amendments

Proposals and amendments shall normally be submitted in writing to the Secretary-General, who shall circulate copies to the members of the Commission. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the Commission unless copies of it have been circulated to all members not later than the day preceding the meeting. The Chairman may, however, permit the discussion and consideration of amendments, or of motions as to procedure, even though such amendments and motions have not been circulated or have only been circulated the same day.

Rule 35

Decision on competence

Subject to rule 33, any motion calling for a decision on the competence of the Commission to adopt a proposal submitted to it shall be put to the vote before a vote is taken on the proposal in question.

Rule 36

Withdrawal of proposals and motions

A proposal or a motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that it has not been amended. A proposal or a motion thus withdrawn may be reintroduced by another member.

Rule 37

Reconsideration of proposals

When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting unless the Commission, by a majority of the members present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be immediately put to the vote.

VII. DECISION-MAKING

Rule 38

Voting rights

Each member of the Commission shall have one vote.

Rule 39

Decision-making by consensus and voting

1. As a general rule, decision-making in the Commission should be by consensus.

2. If all efforts to reach a decision by consensus have been exhausted, decisions by voting shall be taken by a majority of members present and voting.

3. For the purpose of this rule, "consensus" means the absence of any formal objection.

Rule 40

Meaning of the phrase "members present and voting"

For the purposes of these Rules, the phrase "members present and voting" means members present and casting an affirmative or negative vote. Members who abstain from voting shall be considered as not voting.

Rule 41

Recommendations to the Council

Recommendations to the Council shall, wherever necessary, be accompanied by a summary on the divergences of opinion in the Commission.

Rule 42

Method of voting

1. The Commission shall, in the absence of mechanical means for voting, vote by show of hands, but any member may request a roll-call. The roll-call shall be taken in the English alphabetical order of the names of the members participating in that session, beginning with the member whose name is drawn by lot by the Chairman. The name of each member shall be called in any roll-call, and the member shall reply "yes" or "no" or "abstention". The result of the voting shall be inserted in the record in the English alphabetical order of the names of the members.

2. When the Commission votes by mechanical means, a non-recorded vote shall replace a vote by show of hands and a recorded vote shall replace a roll-call vote. Any member may request a recorded vote. In the case of a recorded vote, the Commission shall, unless a member requests otherwise, dispense with the procedure of calling out the names of the members; nevertheless, the result of the voting shall be inserted in the record in the same manner as that of a roll-call vote.

Rule 43

Conduct during voting

After the Chairman has announced the beginning of voting, no member shall interrupt the voting, except on a point of order in connection with the actual process of the voting.

Rule 44

Explanation of vote

Members may make brief statements consisting solely of explanations of their votes before the voting has commenced or after the voting has been completed. The member sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended.

Rule 45

Division of proposals and amendments

A member may move that parts of a proposal or of an amendment should be voted upon separately. If objection is made to the request for division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be given only to two speakers in favour and two speakers against. If the motion for division is carried, those parts of the proposal or of the amendments which are approved shall then be put to the vote as a whole. If all operative parts of the proposal or of the amendments have been rejected, the proposal or the amendments shall be considered to have been rejected as a whole.

Rule 46

Order of voting on amendments

When an amendment is moved to a proposal, the amendment shall be voted upon first. When two or more amendments are moved to a proposal, the Commission shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of the proposal.

Rule 47

Order of voting on proposals

If two or more proposals relate to the same question, the Commission shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The Commission may, after each vote on a proposal, decide whether to vote on the next proposal.

VIII. PARTICIPATION BY NON-MEMBERS OF THE COMMISSION

Rule 48

Participation by members of the Authority and entities carrying out activities in the Area

1. Any member of the Authority may request the Commission to send a representative to attend a meeting of the Commission when a matter particularly affecting such member is under consideration. For the purpose of facilitating the work of the Commission, and upon the invitation of the Chairman, such

representative shall be allowed to express his position on any such matter being considered by the Commission.

2. The Commission may invite any State or entity carrying out activities in the Area for the purposes of consultation and collaboration, where the Commission considers it appropriate.

3. The members of the Commission shall, upon request by any member of the Authority or other party concerned, be accompanied by a representative of such member or other party concerned when carrying out their function of supervision and inspection.

Rule 49

Entry into force

These Rules of Procedure shall enter into force on the date of their approval by the Council.